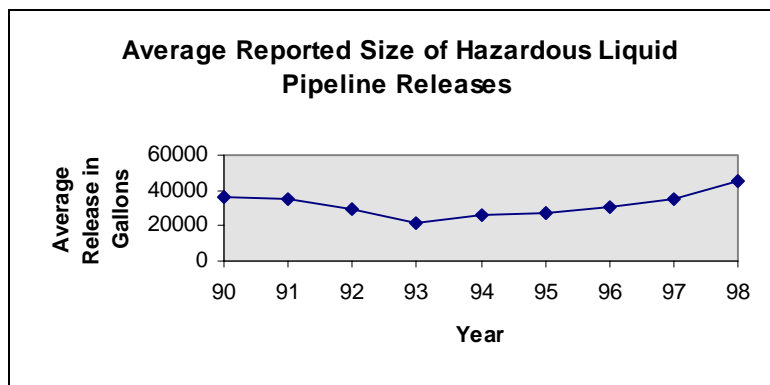


**Summary of Testimony by Lois N. Epstein, P.E.,
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Before the Subcommittee on Energy and Power, Committee on Commerce
U.S. House of Representatives
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The Environmental Defense Fund's analysis of Office of Pipeline Safety data from 1990-1998 shows:

- Over 6.3 million gallons of oil and other hazardous liquids are reported released from pipelines on average each year. Since 1995, the amount released to the environment has increased each year.
- The amount of oil and other hazardous liquids released per incident has been increasing since 1993 (see graph, below), indicating that releases may be becoming more serious. The average amount released from a pipeline spill in 1998 was over 45,000 gallons. Throughout the 1990s, tens of thousands of gallons are released from pipelines approximately every other day. Average reported property damage cost per incident is \$194,000 (median is \$20,000).



Because oil pipeline releases can and do contaminate drinking water supplies, crops, and residential land, generate greenhouse gases, kill fish, and cause deaths and injuries from explosions and fires, these two upward trends in aggregate annual releases and release size need to be reversed through standards that ensure that all pipeline companies are preventing pollution. OPS has not, to date, issued any environmental protection regulations, despite Congress' mandate in the Pipeline Safety Act of 1992. The law's deadline to identify areas "unusually sensitive to environmental damage" was October 1994, and to develop regulations for pipelines in those areas was October 1995. OPS also has not acted on many National Transportation Safety Board recommendations for more stringent pipeline standards, including one 1987 recommendation on corrosion that could have prevented the deaths of two teenagers in Texas in 1996.

Congressional Actions Needed

1. Eliminate the preemption provision in the pipeline safety law to allow states to develop their own safety and environmental protection standards for interstate pipelines. Also, Congress should ensure that qualified state agencies are allowed to enforce standards for interstate pipelines. These changes are essential to counter certain deficiencies in the federal government's pipeline safety program.
2. Add release liability provisions to the law similar to those in the Oil Pollution Act of 1990, which have resulted in over a 60% reduction in large releases to water since the law's enactment.
3. Amend the citizen suit provisions to facilitate private enforcement actions.
4. Carefully evaluate the Risk Management Demonstration Project program (added during the last reauthorization) and other Office of Pipeline Safety activities, through oversight hearings and GAO analyses of resource allocations within, and the enforcement record of, the Office of Pipeline Safety.